

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**EARL BURDETTE
AND CORNELIA FAY PETTIS**

PLAINTIFFS

v.

CIVIL ACTION NO.: 3:13-CV314-MPM-SAA

**PANOLA COUNTY, MISSISSIPPI, BY
AND THROUGH ITS BOARD OF SUPERVISORS;
PANOLA COUNTY SHERIFF, DENNIS DARBY,
IN HIS INDIVIDUAL CAPACITY AND JOHN DOES 1-10**

DEFENDANTS

AND

**LAVERNE WILBOURN, INDIVIDUALLY,
AND AS MOTHER AND NEXT FRIEND OF
THE MINOR, TRACY WILBOURN**

PLAINTIFFS

v.

CIVIL ACTION NO.:3:14-CV-241-MPM-SAA

**PANOLA COUNTY, MISSISSIPPI, BY
AND THROUGH ITS BOARD OF SUPERVISORS;
PANOLA COUNTY SHERIFF, DENNIS DARBY,
IN HIS INDIVIDUAL CAPACITY AND JOHN DOES 1-10**

DEFENDANTS

JOINT MOTION TO CONSOLIDATE

NOW COME Plaintiffs and Defendants, and files this their Joint Motion to Consolidate pursuant to L.U.Civ.R. 42 for the following reasons, to-wit:

1. Burdette, et al. v. Panola County, et al., Northern District Civil Action No. 3:13-CV314-MPM-SAA was filed in this Court on December 30, 2013. Defendants timely filed an Answer [Doc 8]. A Case Management Order was entered in this cause of action on April 16, 2014 [Doc 13]. Defendants filed a Motion for Summary Judgment on July 2, 2014, with an accompanying Memorandum of Authorities [Doc 19, 21]. This Court ordered that discovery be stayed pending a

ruling on the summary judgment motion [Doc 30]. On October 20, 2014, summary judgment was denied, and the stay was lifted [Doc 31, 32]. No new case management order has been entered in this cause of action. While the summary judgment was pending from July 2 to October 20, neither of the parties engaged in any discovery. Several important deadlines have passed, including expert designation deadlines and final discovery deadline (December 5, 2014).

2. The case of Wilbourn, et al. v. Panola County, et al., was filed in the Northern District of Mississippi on November 12, 2014, Civil Action No. 3:14-CV-241-MPM-SAA. An Answer was duly filed on December 4, 2014. The Plaintiffs in Wilbourn plead similar causes of action as the Plaintiffs in Burdette. Plaintiffs and Defendants in both Civil Action No. 3:13-CV314-MPM-SAA and 3:14-CV-241-MPM-SAA are represented by the same counsel. The trial judges and magistrate judges are the same on both cases.

3. Counsel for Defendants has conferred with Counsel for Plaintiffs, and both parties agree that these causes of action should be consolidated. The parties anticipate between 15 and 18 depositions in both causes of action, which will include the same deponents and experts. It is in the interest of judicial economy that these causes of action be consolidated. Further, the parties have no objection to all deadlines being reset due to the addition of the Wilbourn claim, including a new trial setting for these consolidated matters.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that these actions be consolidated. Due to the nature of this Motion, the parties respectfully request that the requirement of a separate memorandum be waived.

RESPECTFULLY SUBMITTED this 9th day of December, 2014.

PANOLA COUNTY DEFENDANTS

By: /s/ **Michael S. Carr**

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Attorneys for Defendants

Approved as to form:

/s/ **Edward Blackmon, Jr.**

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CERTIFICATE OF SERVICE

I, Michael S. Carr, the undersigned counsel for Panola County, Mississippi, by and through its Board of Supervisors, and Panola County Sheriff, Dennis Darby, in his Individual Capacity, do hereby certify that on this day, I electronically filed the foregoing *Joint Motion to Consolidate* with the Clerk of the Court using the ECF system which gave notification of such filing to the following counsel of record:

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Attorneys for Plaintiffs

This the 9th day of December, 2014.

By: /s/ Michael S. Carr
Michael S. Carr